

BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR A
DESIGN REVIEW THREE APPROVAL
PROPOSES TWO PHASES OF
DEVELOPMENT (CANYON FRED MEYER
FUEL CENTER), FRED MEYER STORES,
APPLICANT.

) ORDER NO. 2335
) DR2013-0040 ORDER DENYING THE REQUEST
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The matter came before the Planning Commission on August 25, 2013, and continued to September 25, 2013, on a request for approval of a Design Review Three application for two phases of development: Phase 1 for new construction of a seven (7) pump facility with 14 fueling stations in eight (8) lanes; Phase II for future development of a 15,808 square foot retail and office building at the southwest corner of Canyon Road and Highway 217. The Development Code Design Guidelines, Section 60.40.35 through 55, are applicable for this proposal. The fueling center includes landscaping, lighting, pathways, and other associated improvements. In addition, the applicant must demonstrate that the entire lot will accommodate the required minimum Floor Area Ratio (FAR) in the future. The subject site is located at 11360 SW Canyon Road and 11425 SW Beaverton-Hillsdale Highway; between SW Canyon Road and Beaverton-Hillsdale Highway and between Highway 217 and SW 115th Avenue and is specifically

identified as Tax Lots 500 and 1100 on Washington County Assessor's Map 1S1-15AB. The affected parcels are zoned Regional Center – East (RC-E)

Pursuant to Ordinance 2050 (Development Code), Sections 50.15 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

Four of the six Commissioners present at the August 28 hearing voiced concern with the proposed Design Review Build-out Concept Plan (DRBCP) Phase II. The Commission noted that the corner of Canyon Road and Highway 217 is a gateway to the city and as such development of the corner should be a viable business location that is vibrant and ongoing with limited vacancy and that limited access and parking are constraints of the Phase II proposal. It was further noted that landscape, architectural, and other treatments at this corner are important to the character of the City. The Commission requested that the applicant team provide the Commission with evidence supporting viability of proposed Phase II in relation to access, traffic flow, fuel center conflict, and examples of similar development in similar conditions. As part of the viability concern, the Commission stated its concern over the concept of a two-story building in the proposed location. One Commissioner stated that based on the evidence presented, the Commissioner did not believe that the proposal met the criteria concerning the viable reality of the proposed concept both in terms of a viable location for future uses and the fact that the shared parking would require visitors to Phase II to walk across the fuel center. At the conclusion of the August 28th meeting, the Commission agreed to a continuance request made by the applicant and continued the hearing to September 25, 2013.

At the August 28 hearing, Commissioners expressed their agreement that the proposed changes in the existing overall site design with regard to motor vehicle circulation were an improvement over existing conditions. However, the Commission voiced concern and requested more information and evidence from the applicant regarding provision of safe and efficient motor vehicle and pedestrian circulation in the area of the proposed fueling station. Among the circulation improvements and materials the Commission requested the applicant to consider included; a sidewalk along the length of the 115th driveway to connect the two four-way stops between AT&T and the west side of the Fred Meyer store; a clear pedestrian walkability plan; October to December traffic count data due to concerns of back-flow of traffic onto Canyon Road from motor vehicles accessing the site; potentially an access aisle east of Olive Garden in readdressing circulation; improve proposed signage; a stop bar for the exiting lanes at the fuel center, and address the potential for accidents in the private drive aisles.

At the September 25 hearing, the applicant team presented their revised materials much of which the Commission found to be responsive to their direction at the August 28 hearing. However, the Commission was split regarding provision of safe and efficient motor vehicle and pedestrian circulation and realistic viability of the proposed Phase II development per applicable approval criteria in Sections 40.03 and 40.20.15.3.C of the Development Code. Three of the four Commissioners present at the September 25 continuance hearing continued to question the realistic feasibility of the proposed DRBCP Phase II concept. Commissioner Maks clarified for the applicant that per Section 60.30.10.A, "...the Director *may* [emphasis added] permit the required parking spaces to be located on any lot within 200 feet..." Commissioner Maks noted

that the applicant testified on August 28 that the Phase II proposal would not include retail uses, yet, the examples that were provided per commission's request include up to 80 percent retail on the bottom floor. Commissioner Maks continued to evaluate the feasibility of the proposal and voice concerns regarding access, visibility, parking, traffic flow, pedestrian flow, and ability to lease the space. Commissioner Maks referred to a 15 to 20 year horizon as typical of timeline associated with Comprehensive Plan implementation and stated that the Phase II proposal is not realistic in that timeframe. Commissioner Maks concluded by stating that the Commission needs to be more sure that Regional Center policies are being achieved.

The Planning Commission entertained a number of motions and withdrawals of motions during deliberations for failure of receiving a majority voting position. Ultimately, the Commission was able to reach a decision which received a majority vote.

The Planning Commission, after holding the public hearing and considering all oral and written testimony, **HEREBY ORDERS** that **DR2013-0040** is **DENIED WITHOUT PREJUDICE**, based on the testimony, reports and exhibits, and evidence presented during the public hearing on the matter and based on the facts, findings, and conclusions found in the Staff Report dated August 21, 2013, and the revised Staff Report dated September 18, 2013, and supplemental findings contained herein as applicable to the approval criteria contained in Section 40.20.15.3.C of the Development Code.

CARRIED by the following vote:

AYES:	Maks, Winter, and Overhage.
NAYS:	Nye.
ABSTAIN:	None.
ABSENT:	Doukas, Kiene, and Stephens.

Dated this 4th day of October, 2013.


To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2335 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, October 14, 2013.

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:


LEIGH M. CRABTREE
Associate Planner

APPROVED:


KIM OVERHAGE
Chair


STEVEN A. SPARKS, AICP
Planning Division Manager